

REMARKS

To receive the benefit of an earlier filing date under 35 U.S.C. 120, amendment is made to the application to include, in the first sentence of the specification, specific reference to the prior filed patents. Our file shows that this information is included on page 1 (of pages 1-4) of the application data sheet included with the application which was Expressed Mailed to the USPTO on December 1, 2003 and receipt of which was acknowledged by the official dating stamp of the USPTO on the returned post card.

The application contains claims 1-27. Claims 1-6, 13-17, 26 and 27 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-13 of US Patent 6,657,834. Claims 7-12 and 18-25 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-6 and 12-18 of US Patent 6,040,967.

Independent claims 1, 5, 7, 13, 18 and 26, and the claims which depend therefrom are amended to avoid the rejection of double patenting by now reciting the structure of a test button...to cause said circuit interrupter to operate and break continuity between said first and second conductive paths. The claims of the references cited do not recite this structure.

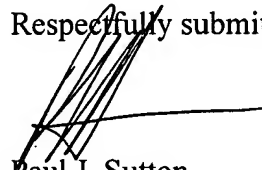
Independent method claim 24, and dependent claim 25 is amended to now recite the step of simulating the occurrence of a predefined condition to cause said circuit interrupting mechanism to operate to break continuity between said input and output conductors. The claims of the cited reference do not recite this step.

Clearly, the claims now present in the application avoid the Examiners rejection because they do not claim the same invention as claimed in the cited references. It is our understanding that the application is now in condition for allowance. Early and favorable reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required for the amendment, or credit any overpayment to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

As an extension of time is required to make this Amendment timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

Respectfully submitted,



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